

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

☐ e-filing

VENUE: San Jose

UNITED STATES OF AMERICA,

v.

Francisco Mora Alvarez

DEFENDANT.

INDICTMENT

VIOLATIONS: 21 U.S.C. §§ 841(a)(1) and
841(b)(1)(A)(viii) – Distribution and
Possession with Intent to Distribute
Methamphetamine; 18 U.S.C. § 2 - Aiding and
Abetting; and 21 U.S.C. § 853 - Criminal
Forfeiture.

A true bill.

Foreman

Filed in open court this 6 day of

MARCH 2008

Karen L. Hom

Clerk

JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

Bail, \$

no pro

FILED
MAR-6 PM 3:49
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

0143

RMW

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RMW

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED
08 MAR -6 PM 3:49
EDWARD R. HUGHES
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO MORA ALVAREZ,

Defendant.

CR 08

0143 RMW

VIOLATIONS:

21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii) –
Distribution and Possession with Intent to
Distribute Methamphetamine;
18 U.S.C. § 2 - Aiding and Abetting; and
21 U.S.C. § 853 - Criminal Forfeiture

SAN JOSE VENUE

INDICTMENT

The Grand Jury Charges:

COUNT ONE: (21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii))

Beginning at a date unknown to the Grand Jury, but no later than February 27, 2008, in the
Northern District of California and elsewhere, the defendant

FRANCISCO MORA ALVAREZ

did knowingly and intentionally distribute and possess with intent to distribute a Schedule II
controlled substance, to wit: five hundred (500) grams or more of a mixture or substance
containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers,

1 and did knowingly aid and abet such distribution and possession with intent to distribute the
 2 aforementioned controlled substance, in violation of Title 21, United States Code, Sections
 3 841(a)(1) and (b)(1)(A)(viii), and Title 18, United States Code, Section 2.

4
 5 FORFEITURE ALLEGATION: (21 U.S.C. § 853)

6 1. The allegation in Count One of this Indictment is realleged and incorporated herein.

7 2. Upon conviction of the offenses alleged in Count One above, the defendant

8
 9 FRANCISCO MORA ALVAREZ

10 shall forfeit to the United States all property constituting and derived from any proceeds the
 11 defendant has obtained, directly or indirectly, as a result of said violations, and any property
 12 used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of
 13 said violations, including, but not limited to the following property:

14 a. \$9,988 in U.S. currency, which was seized pursuant to a search warrant
 15 executed on the residence at 2867 Garden Avenue, San Jose, California on
 16 or about February 27, 2008.

17 2. If, as a result of any act or omission of the defendant, any of said property

18 a. cannot be located upon the exercise of due diligence;

19 b. has been transferred or sold to or deposited with a third person;

20 c. has been placed beyond the jurisdiction of the Court;

21 d. has been substantially diminished in value; or

22 e. has been commingled with other property which without difficulty cannot
 23 be subdivided;

24 any and all interest the defendant has in any other property (not to exceed the value of the above
 25

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27 //

1 forfeitable property) shall be forfeited to the United States.

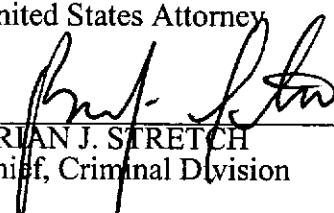
2 All in violation of Title 21, United States Code, Sections 853(a)(1), (a)(2) and (p).


3
4 DATED: March 8, 2008

A TRUE BILL

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6 
7 FOREPERSON

8 JOSEPH P. RUSSONIELLO
9 United States Attorney

10 
11 BRIAN J. STRETCH
12 Chief, Criminal Division

13 (Approved as to form: 

14 AUSA Nicole M. Kim
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AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING**OFFENSE CHARGED**

See Penalty Sheet Attachment

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

filing

PENALTY:

See Penalty Sheet Attachment

PROCEEDINGName of Complainant Agency, or Person (& Title, if any)
Douglas Cook, Special Agent, Federal Bureau of Investigation☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.

3-08-70105 MEJ

Name and Office of Person
Furnishing Information on
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y
(if assigned)

Nicole M. Kim

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIADEFENDANT - U.S.
FRANCISCO MORA ALVAREZ

DISTRICT COURT NUMBER

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

} ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?☐ Yes
☒ NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

2/27/2008

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS*☐ WARRANT Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments: _____

**PENALTY SHEET ATTACHMENT:
FRANCISCO MORA ALVAREZ**

Count 1

21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii) - Distribution and Possession with intent to distribute five hundred (500) grams or more of methamphetamine, its salts, isomers, and salts of its isomers.

At least 10 years to life in prison; \$4 million fine; at least 5 years supervised release; \$100 special assessment